person, or property of others and displays an indifference to disastrous consequences. *Lund v. Osborne* (1917) 200 Ill. App. 457. Statutes, by using the term "gross negligence," have made it incumbent upon some courts to define its meaning. In Massachusetts it is held that it means a materially greater want of care than in case of ordinary negligence but yet less than the willful, wanton, or reckless conduct which makes a defendant liable to a trespasser. *Massaletti v. Fitzroy* (1917) 228 Mass. 487, 118 N. E. 168. In absence of statute, however, the amount of negligence is important only in cases of wanton or reckless conduct. The court in the instant case, in repudiating the doctrine of the divisibility of negligence into degrees, is in accord with the modern tendency.

NEGLIGENCE—RECOVERY FOR DEATH OF CHILD CAUSED BY EATING POISONOUS BERRIES IN A PUBLIC PARK.—The plaintiff's child, a boy of seven, died from eating a few berries which he picked from a shrub growing in a part of the public Botanic Gardens of Glasgow, in which he and other children were accustomed to play. Although highly poisonous the berries were luscious and alluring in appearance, bearing great similarity to currants. The plaintiff sued the defendant city for negligence. *Held,* that a cause of action was disclosed and the case should have been allowed to go to the jury. *Glasgow Corporation v. Taylor* (1921, H. L.) 38 T. L. R. 102.

As a result of loose and inaccurate application of the expression "attractive nuisance" much obscurity has been cast upon the duties of landowners in respect to children. The question presented is whether an infant, even though a trespasser, is entitled to have the place into which it may stray and the things it finds there made so safe, with reference to its own incapacity to take care of itself, as to render it immune from injury. If a categorical answer to any question of law were possible, in England it would be, *no*. The owner of land owes no duty to make premises safe for a trespasser, whether infant or adult, and in the absence of the concurrence of a license and either negligence or some element of fraud, there could be no recovery by a child for injuries received. *Hardy v. Central London Ry.* [1920] 3 K. B. 459; *Latham v. R. Johnson & Nephew, Ltd.* [1913] 1 K. B. 398; *Cooke v. Midland Great Western Ry.* [1909, H. L.] A. C. 229. In the United States the authorities are in an almost hopeless state of inconsistency. A few jurisdictions have adhered strictly to the orthodox rule as to the duty to trespassers and have refused to extend the doctrine beyond the so-called "turn-table" situation. *Blough v. Chicago Great Western Ry.* (1920, Iowa) 179 N. W. 840; see (1921) 20 MICH. L. REV. 450. Other jurisdictions have seized upon the doctrine with avidity and have applied it to almost every conceivable state of facts. *Comer v. City of Winston-Salem* (1919, N. C.) 100 S. E. 619 (child crawling between bridge railing to see rushing waters); *N. Y. N. H. & H. Ry. v. Fruchter* (1921, C. C. A. 2d.) 271 Fed. 419 (where a boy received a shock who climbed the topmost girder of a bridge and reached for a pigeon resting on a live wire), criticised in (1921) 30 YALE LAW JOURNAL, 870. It is readily apparent that many courts have allowed their sympathy for the infant plaintiff to affect their judgment. The conclusion reached in some of the cases is untenable. It is practically impossible to render premises "child-proof" and yet the courts in effect impose that burden upon the landowner. The Lords in the instant case base their decision flatly on the ground of negligence by the defendants in view of all the circumstances. The poisonous berries were exposed to the children who were privileged to be where they were, and the age of the child precluded negligence on his part. See (1921) 31 YALE LAW JOURNAL, 102; Bohlen, *The Duty of a Landlord to Those Entering his Premises* (1921) 69 U. PA. L. REV. 237, 340.